

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADAM THOMAS SPANO,

Plaintiff,

Case No. 19-cv-11804

v.

ANDREW SAUL, COMMISSIONER OF
SOCIAL SECURITY,

U.S. DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#17] AND DISMISSING THE COMPLAINT WITH
PREJUDICE FOR FAILURE TO PROSECUTE**

This matter is before the Court on Plaintiff's Complaint for Review of a Supplemental Security Income Decision. ECF No. 1. The Court first referred this matter to Magistrate Judge Elizabeth A. Stafford on June 19, 2019. ECF No. 3. This Court subsequently dismissed Plaintiff's case without prejudice for failure to prosecute on August 7, 2019 after Plaintiff failed to pay the requisite fee within fourteen days in order to file his Complaint. ECF No. 7. On August 9, 2019, Plaintiff filed a Motion for Reconsideration of this Court's prior dismissal Order, which this Court granted on August 14, 2019. ECF Nos. 8, 9. Plaintiff's case was therefore reopened and referred once more to Magistrate Judge Stafford on August 16, 2019. ECF No. 11.

On August 6, 2020, Magistrate Judge Stafford issued a Report and Recommendation on this matter, recommending that this Court dismiss Plaintiff's Complaint with prejudice for failure to prosecute because he failed to respond to a Show Cause Order from March 24, 2020. ECF Nos. 16, 17. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C). Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge has reached the correct conclusion. Therefore, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Stafford's August 6, 2020 Report and Recommendation [#17] as this Court's findings of fact and conclusions of law. Plaintiff's Complaint is thus **DISMISSED WITH PREJUDICE** for failure to prosecute.

IT IS SO ORDERED.

s/Gershwin A. Drain

GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2020

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 26, 2020, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager